

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CAPRI SUN GMBH,

Plaintiff,

vs.

AMERICAN BEVERAGE CORPORATION,

Defendant.

Civil Action No. _____

**DECLARATION OF A. JOHN P.
MANCINI IN SUPPORT OF
PLAINTIFF'S EX PARTE
APPLICATION FOR LEAVE TO FILE
COMPLAINT AND CERTAIN
EXHIBITS UNDER SEAL**

I, A. John P. Mancini, declare as follows:

1. I am a partner at the law firm of Mayer Brown LLP, counsel for Plaintiff Capri Sun GmbH ("Plaintiff") in the above-captioned matter. I am admitted to practice law before this Court. I have personal knowledge of the facts stated in this declaration and if called as a witness, I could and would competently testify thereto.


2. I respectfully submit this declaration in support of Plaintiff's *Ex Parte* Application for Leave to File Complaint and Accompanying Papers Under Seal that is being filed concurrently.

3. Plaintiff seeks to file under seal paragraphs 4, 5, 6, 13, 21, 23, 24, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 39, 40, 77, 79, 81, 83, 85, 87, 89, 91, 93, and 95 of the Complaint, which contain highly sensitive and confidential information concerning the terms of the parties' [REDACTED] Licensing Agreement, a copy of the proposed redactions attached hereto as **Exhibit 1**. Plaintiff also seeks to file under seal portions of the breach notices, which contain highly sensitive and confidential information concerning the terms of the parties' [REDACTED] Licensing Agreement, copies of the proposed redactions attached hereto as **Exhibit 3-5**.

4. Plaintiff seeks to file under seal in its entirety the [REDACTED] License Agreement attached as **Exhibit 2**, which contains negotiated confidentiality provisions, and was the intent of the parties to the agreement that the terms remain confidential.

I declare under penalty of perjury that the foregoing statements contained in my declaration in the above-captioned proceeding are true and correct to the best of my knowledge, information, and belief.

Executed this 14th day of February, 2019 in New York, NY.



A. John P. Mancini